IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11014 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GHANSHYAMBHAI HARIBHAI RADADIYA

Versus

JAGDISHKUMAR AMBALAL MODI AS A POA OF LAXMIDAS DHULABHAI

Appearance:

1. Special Civil Application No. 11014 of 2004

MR SP MAJMUDAR for Petitioner No. 1

DS AFF.NOT FILED (N) for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 15/09/2004

ORAL JUDGEMENT

1. RULE. Mr.Jasu Shah learned advocate waives service of notice of Rule on behalf of respondent no.1.

2. With the consent of learned advocates for the parties, the matter is heard today.

3. Without entering into the technicalities of the case, it is directed that a Court Commissioner be appointed, who shall be an Officer of the trial Court. The name of the person who is to be appointed as the Court Commissioner shall be recommended by the trial Court. The parties concerned shall give a date before the trial Court on which date the Court Commissioner so appointed shall verify the suit property in question.

4. The Court Commissioner so appointed shall verify the suit property and shall submit his report before the trial Court. After the Court Commissioner's report is prepared and is placed on the record of the trial Court, the trial Court will expedite the hearing of exh.5 application.

5. With the above directions, the petition is partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. Jhaveri, J.)

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